THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.17050 OF 2005

DISPOSED OF ON 15-11-2005

BETWEEN:

BADINEEDI VENKATESWARLU…. PETITIONER

AND

THE JOINT COLLECTOR,

DEPARTMENT OF EDUCATION,

GUNTUR AND OTHERS …. RESPONDENTS

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.17050 OF 2005

O R D E R :

1. This Writ Petition has been filed by the petitioner as Vidya Committee Chairman assailing the proceedings of Mandal Revenue Officer-2nd respondent issued in Rc.No.126/2005/A, dated 20-6-2005 whereunder 3rd respondent has been appointed as implementing agency of Mid-Day Meal Programme (for short MDMP) in Mandal Parishad Primary School, Patha Uppalapadu, Nuzendla Mandal, Guntur District.

2. In the year 2002 MDMP was introduced by the Government through G.O.Ms.No.94, Education dated 25.11.2002 for giving hot cooked food in schools to the students. The 2nd respondent appointed the petitioner as implementing agency to prepare and serve MDMP to students of Patha Uppalapadu Mandal Parishad Primary School from the year 2003. While so, the 2nd respondent without issuing notice to the petitioner removed the petitioner as an implementing agency and appointed 3rd respondent in his place under proceedings No.Rc.126/2005/A, dated 20-6-2005. These proceedings are under challenge in this writ petition.

3. It is the contention of the petitioner that he has been removed as an implementing agency without issuing show cause notice or without assigning any reasons for his removal.

4. Respondents 1 and 2 filed counter affidavits. It is stated in the counter that the school education committee was appointed as an implementing agency of MDMP in Mandal Parishad Primary School, Patha Uppalapadu when there was no DWACR group in the village. Since the DWACR group came to be formed, 3rd respondent who is heading the DWACRA group has been appointed as an implementing agency in pursuance of G.O.Ms.No.94, dated 25.11.2002. It is suffice to refer the relevant portion of para 6 of the counter affidavit and it is thus:

" It is submitted that, as a matter of fact, on receipt of an application from Smt.B.Narasamma, Member, DWCRA group, Pata Uppalapadu village expressing the desire of DWCRA group to take up implementation agency to serve cooked food to the students of Mandal Parishad Primary School at Pata Uppalapadu village, the matter was got verified and their request was found genuine. As

such orders were made on 12.6.2005 in Rc.No.126/05 i.e., office copy of proceedings was approved by the Mandal Revenue Officer, Nuzendla. Fair copies were not prepared on that day. Due to unforeseen urgent matter the Mandal Revenue Officer, Nuzendla left head quarters informing the same to Divisonal Office requesting grant of casual leave on 13.6.2005 to 15.6.2005. The Dy.Mandal Revenue Officer, Nuzendla (a lady officer) on 13.6.2005 got the orders fair copied, appended her signature and issued for service and implementation."

5. The counter of 3rd respondent, in brief, is that as per the guidelines issued in G.O.Ms.No.94, first preference has to be given to DWACRA group to act as an implementing agency for the purpose of cooking and serving food to the students. Originally one Mr.K.Pitchaiah has been appointed, even though there are DWACRA groups, on political considerations by the then Telugu Desam Government in the month of January, 2003 and he continued upto August, 2003. Subsequently Mr.Pitchaiah has been changed and the writ petitioner B.Venkateswarulu is acting as implementing agency on the ground of his being Chairman of School Education Committee.

6. Heard learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development appearing for respondents 1 and 2 and learned counsel appearing for the 3rd respondent.

7. Learned counsel appearing for the petitioner submits that the petitioner has been removed as an implementing agency of MDMP without issuing any notice or assigning any reasons and therefore the order impugned in the writ petition is not legal and proper and the same is liable to be set aside. He further submits that in similar circumstances an order removing a person as cooking agent without serving notice came to be set aside and the petitioner also deserves the same relief. He refers the order passed by this Court in W.P.No.17652 of 2005 disposed of on 23-9-2005. In the referred case the petitioner therein came to be removed on the ground of some irregularities in acting as an implementing agency for MDMP. Coming to the facts of the case on hand, the petitioner came to be removed consequent on the formation of DWACRA group in the village which has to be given preference in

appointing the implementing agency for MDMP as per the G.O.Ms.No.94, dated 25.11.2002. Therefore, the facts in the cited case and the facts in the case on hand are distinct and so the cited case is of no help to the petitioner.

8. Learned Government Pleader for Panchayat Raj and Rural Development appearing for respondents 1 and 2 submits that DWACRA groups have to be given preference in selecting the implementing agency for MDMP as per the G.O.Ms.NO.94, dated 25.11.2002. He refers the guidelines issued by the Government in G.O.Ms.No.94, dated 25.11.1992. Learned counsel appearing for the petitioner by referring the same guidelines submits that the 2nd respondent has not followed the procedure properly for selection of implementing agency.

9. The issue involved in this writ petition is whether the order impugned in the writ petition is arbitrary and illegal.

10. The writ petitioner came to be appointed as an implementing agency of MDMP as he happened to be the Chairman of the School Education Committee. As per the guidelines issued in G.O.Ms.No.94, dated 25.11.2002, the implementing agency for MDMP in rural areas is to be selected from amongst the DWACRA/Self help Groups/SEC/other agencies like temple, NGOs of proven track record, Charitable trusts/Group of parents. The Mandal Revenue Officer has to identify the implementing agency in the order of preference. Admittedly, DWACRA group has precedence over the School Education Committee in acting as an implementing agency for MDMP. The order impugned in the writ petition indicates that member of a DWACRA group has been appointed in place of the Chairman, School Education Committee as an implementing agency for MDMP.

11. It is contended by learned counsel for the petitioner that there are many DWACRA groups in the village and there is no reason for the 2nd respondent to choose the DWACRA group represented by 3rd respondent and thus the order impugned in the writ petition is liable to be set aside. A further submission has been made by the learned counsel fro the petitioner that DWACRA group can be chosen as a whole and not any member of DWACRA group. Yet another submission has

been made that 3rd respondent is not at all member of any of the DWACRA group in the village. The question whether 3rd respondent is a member of DWACRA group or not is beyond the scope of the present writ petition.

12. In the result, this writ petition is devoid of merit and the same is dismissed. No costs.

Dated: 15-11-2005. (B.Seshasayana Reddy,J)

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THE HONOURABLE SRI JUSTICE

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